

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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BRIAN FORD,

Plaintiff,

-against-

THE NEW YORK CITY BOARD OF
EDUCATION (a/k/a the Department of Education)
Carmen Farina in her official capacity as
Chancellor,

**NOTICE OF DEFENDANTS'
MOTION TO DISMISS THE
FOURTH AMENDED
COMPLAINT**

No. 19 Civ. 6327 (JPC)(KHP)

Defendants.

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PLEASE TAKE NOTICE that upon the Memorandum of Law in Support of
Defendant's Motion to Dismiss the Fourth Amended Complaint, and the October 28, 2021
Declaration of Nicholas Green, and upon all the papers and proceedings previously had herein,
Defendants will move this Court at the United States Courthouse for the Southern District of
New York, 500 Pearl Street, New York, New York 10007, before the Honorable John P. Cronan,
on a date and time to be decided by the Court, pursuant to Rule 12(b) of the Federal Rules of
Civil Procedure to dismiss the Fourth Amended Complaint on the basis that Plaintiff's
rehabilitation act claim is barred by collateral estoppel, and that Plaintiff otherwise fails to state a
claim upon which relief can be granted.

PLEASE TAKE FURTHER NOTICE that Plaintiff shall serve and file any opposing affidavits and answering memoranda of law on or before November 29, 2021 and Defendant shall serve and file any reply affidavits and memoranda of law on or before December 13, 2021.

Date: New York, New York
 October 28, 2021

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Corporation Counsel of the
City of New York
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By: /s/ *Nicholas Green*
 Nicholas Green
 Assistant Corporation Counsel

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GEORGIA M. PESTANA

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Attorney for Defendants
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New York, NY 10007

Of Counsel: Nicholas Green
Tel: (212) 356-2445
Matter No.: 2020-026533

Due and timely service is hereby admitted.

New York, N.Y., 2021

..... Esq.

Attorney for